

via interengaging serrations which are formed on the tamper evident cap and the sealing cap.

Cont ~~8~~ 38. (New) The tamper evident closure of Claim ~~38~~ wherein the tamper evident cap includes a removable tear strip which defines the parting region thereof.

A2 ~~9~~ 39. (New) The tamper evident closure of Claim ~~38~~ wherein: the tear strip of the tamper evident cap extends between upper and lower cap portions thereof; and

the tamper evident cap is sized and configured relative to the sealing cap such that the removal of the tear strip therefrom allows for the separation and removal of the upper cap portion from the sealing cap.

~~170~~ 40. (New) The tamper evident closure of Claim ~~39~~ wherein the closure retaining section is formed on the lower cap portion of the tamper evident cap.

REMARKS

By the foregoing Preliminary Amendment, Applicant has amended the specification of the present application to include the priority data related thereto. Additionally, Applicant has canceled Claims 1-30 and added new Claims 31-40 into prosecution to more clearly recite the novel and unobvious aspects of the present invention. More particularly, new independent Claims 31 and 36 are closely analogous to, but slightly broader in scope than, the two

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independent claims deemed allowable in the parent application Serial No. 09/014,075. More particularly, in independent Claims 31 and 36 of the present application, the limitation regarding the tamper evident cap being cooperatively engaged to the sealing cap "in a manner resisting relative movement therebetween" has been deleted, with the closure retaining section being described as "coupled" to the sealing cap rather than "cooperatively engaged" thereto. Applicant respectfully submits that new independent Claims 31 and 36 are not anticipated or rendered obvious by any of the prior art references of record in the parent applications for the same reasons set forth in the Amendment filed May 3, 1999 in relation to the parent application Serial No. 09/014,075.

On the basis of the foregoing, Applicant respectfully submits that Claims 31-40 are in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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By: 

Mark B. Garred
Registration No. 34,823
STETINA BRUNDA GARRED & BRUCKER
24221 Calle de la Louisa
4th Floor
Laguna Hills, CA 92653
(949) 855-1246

Cust. No. 007663

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